

REMARKS

The rejection of Claims 21 and 22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement, is respectfully traversed. Claim 22 has been canceled.

With regard to feature a) of the last four lines of Claim 21, the specification at page 5, lines 1-12, describes a process comprising steps a)-e).¹ The specification at page 8, lines 22-24 describes that the surfactant alcohols can be obtained by addition of CO and hydrogen (hydroformylation) to the C=C double bond of the starting olefins. Since Claim 21 recites that the olefin mixtures have from 10 to 16 carbon atoms, it necessarily follows, as a person skilled in the art would understand, that the surfactant alcohol obtainable from this olefin mixture via hydroformylation has 11 to 17 carbon atoms. This is further made clear from the specification at page 9, lines 19-26, wherein the reaction scheme of a hydroformylation reaction is described. Because CO is added to an olefin, the resulting alcohol has a carbon chain which has one carbon more than the olefin starting material of the hydroformylation reaction. Therefore, if an olefin mixture of compounds with 10 to 16 carbon atoms is used as the starting material for preparation of the alcohol, the alcohol necessarily will have 11 to 17 carbon atoms.

With regard to feature b) of the last four lines of Claim 21, the specification at page 7, lines 15-22 describes that a characteristic feature of the olefin mixtures is that the amount of unbranched olefins is below 25%. Because the amount of branched or unbranched compounds is not changed in the hydroformylation reaction in which olefins are converted to alcohols, an alcohol which has been derived from an olefin being branched in an amount of below 25% will have the same amount of branching of below 25%. As would be well-understood by a person skilled in the art, if a specific olefin mixture having a specific amount

¹ Step a) should not be confused with feature a).

of branching is subjected to a hydroformylation reaction, the resulting alcohol would have the same degree of branching.

It is not relevant that the actual language of features a) and b) does not appear in the specification. As stated in *In re Wright*, 866 F.2d 422, 9 USPQ2d 1649 (Fed. Cir. 1989) (**copy enclosed**), it is not necessary that the claimed subject matter be described *in haec verba* in the specification for the description requirement to be complied with, so long as possession of the claimed invention as of the filing date is otherwise clear. In *Wright*, the term "not permanently fixed thereto", not literally described, was held to be described.

In sum, the last four lines of Claim 21 are supported in the specification. For all the above reasons, it is respectfully requested that this rejection be withdrawn.

The requirement of a supplemental oath or declaration is respectfully traversed. Indeed, the Examiner's rationale for this requirement is identical to the above-discussed rejection. Accordingly, it is respectfully requested that this requirement be withdrawn.

The rejection of Claim 24 under 35 U.S.C. § 112, second paragraph, is now moot in view of the cancellation of this claim. Accordingly, it is respectfully requested that the rejection be withdrawn.

The provisional rejection of Claims 9-14, 21 and 23-27 on the ground of nonstatutory obviousness-type double patenting over Claims 16-23 and 25-27 of copending Application No. 10/503,213, is respectfully traversed. **Submitted herewith** is a Terminal Disclaimer over the copending application. Accordingly, it is respectfully requested that this provisional rejection be withdrawn.

The objection to the specification is now moot in view of the above-discussed amendment. Accordingly, it is respectfully requested that the objection be withdrawn.

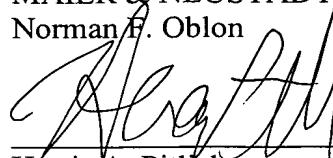
Application No. 10/765,996
Reply to Office Action of November 30, 2006

All of the presently-pending claims in this application are now believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Respectfully submitted,

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